

LAW OFFICES OF EDWARD WEISSMAN

**880 THIRD AVENUE
15TH FLOOR
NEW YORK, NEW YORK 10022**

**TELEPHONE (212) 937-1520
E-mail: edweissman@edweissmanlaw.com**

February 18, 2021

VIA ECF

Hon. Robert W. Lehrburger
United States Magistrate Judge,
Southern District of New York
500 Pearl Street - Rm 1960
New York, New York 10007

**RE: Banks v. McGlynn, Hays & Co., Inc., et al.
Case No. 19-cv-05727-JPO (RWL)**

Dear Judge Lehrburger:

I represent the defendants in the above matter. As I was preparing for the upcoming depositions yesterday, I received an e-mail from plaintiff's counsel informing me that she intended to seek a "stay" of further proceedings in this action. I informed counsel that I would oppose the application and the reasons for the opposition.

No sooner was the ink dry on Your Honor's Order of February 16, 2021 directing that depositions proceed on February 19, 24, 25 and March 2 then counsel made her application of February 17, 2021. Counsel inexplicably did not proceed by Order to Show Cause with a formal request for a stay.

Counsel for plaintiff unilaterally placed herself on medical leave for the second half of January 2021 and for the first half of February 2021. At no time when she was writing to Your Honor did counsel ever suggest that the medical leave would need to be extended. Nor does it appear that counsel has made any arrangements to secure successor counsel for her client either temporarily or otherwise.

The burden on the defendants in having depositions scheduled and cancelled three times cannot be understated. In

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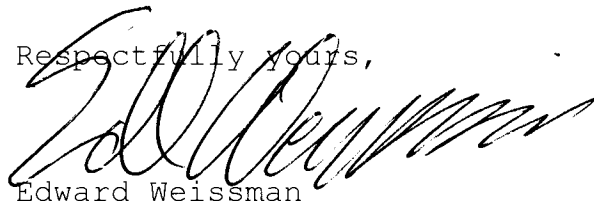
order to minimize the burden imposed upon the defense as a result of what has played out, the depositions of defendants Sullivan, Robinson and Donniacuo should be deemed to have been waived, as well as the deposition of non-party Christine Carlucci. Each defendant was ready to proceed on three occasions. The resumed deposition of plaintiff Banks shall go forward by March 15, 2021 as already directed.

I cannot comment on the medical issue which counsel for plaintiff claims exists. Apparently that was shared only with the Court. What I can comment on is the way counsel has chosen to handle it and that warrants deeming the remaining depositions of defendants and Ms. Carlucci to have been waived.

Lastly, counsel requests an extension until March 9, 2021. Her letter explains nothing about the relevance or significance of that date.

I thank the Court for its time and consideration.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Edward Weissman', is written over the typed name.

Edward Weissman

EW:pr

CC: Laurie E. Morrison, Esq. (via ECF)